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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,181	04/17/2000	YAARIT SILVERSTONE	AND1P582	1182

29838 7590 05/18/2004

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MINNEAPOLIS, MN 55402-1609

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/551,181

Applicant(s)

SILVERSTONE ET AL.

Examiner

Romain Jeanty

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-18,24,26-30 and 32-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-23,25 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### **Election/Restrictions**

1. Applicant's election without traverse of claims 19-23, 25, and 31 in Paper No.17 is acknowledged.

### **Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 19, the phrase "the user may be" on line 10, renders the claim indefinite because it is unclear whether the limitation (s) following the phrase are part of the claimed invention. Appropriate correction is needed.

In addition, the term "economic transaction proposal" renders the claim vague and indefinite. Does the term "economic transaction proposal" mean a purchase order transaction?

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 19-23, 25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (U.S. Patent No. 6,3301,574) in view of Cudahy et al (U.S. Patent No. 6,567,822)

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As per claims 19, 23, and 31, Thomas et al disclose a data structure for communicating business information comprising:

(a) providing a database including a request for proposal mechanism and a plurality of service provider data structures and a plurality of manufacturer data structures, wherein said request for proposal is a request for an economic transaction proposal, wherein each service provider data structure includes a description of service provided by a particular service provider and wherein each manufacturer data structure includes a description of offerings of a particular manufacturer, identifying a particular data structure based on a request for economic transaction proposal from a user utilizing the request for proposal mechanism, wherein the user is a service provider (i.e. a database having data structures of contractor information and bid "request for proposal" information, identifying the bid information) (col. 2, lines 45 through col. 3 line 14; col. 7, lines 20-43).

Thomas et al fail to disclose affording network-based management services to the user based on the request for proposal and the identified data structure, wherein affording project management services includes managing assets in a networked-based supply chain, including optimizing use of service provider assets and manufacturer assets and providing maintenance and service provider and manufacturer assets. Cudahy et al in the same field of endeavor, discloses the management of assets in a network-based supply chain environment (col. 28, line 40 through col. 29 line 40. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to have modified the disclosures of Thomas et al to incorporate an asset management as taught by Cudahy et al in order to facilitate a broad understanding of a supply chain and provides a consistent approach to identify supply chain opportunities.

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As per claim 20, Thomas et al do not explicitly disclose the step of tracking a status of manufacturing process performed by the identified service provider. Cudahy et al in the same field of endeavor disclose the tracking of services provided by the service provider (col. 26, lines 38-51). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to have modified the disclosures of Thomas et al to incorporate a tracking of service provided by a service provider as evidenced by Cudahy et al in order to facilitate a broad understanding of a supply chain and provides a consistent approach to identify supply chain opportunities.

As per claim 21, Thomas et al do not explicitly disclose allowing the user to inquiry service engineers and service chemists. Cudahy et al discloses the idea of an aerospace engineer (col. 6, lines 65-67). However, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Thomas to include a service engineer/chemist such as an aerospace engineer in order to assist businesses in meeting their needs for providing and obtain a variety of services.

Claim 25 is a computer program embodied on a computer readable medium for providing supply chain/workflow services in a contract manufacturing framework, in a contract manufacturing framework, a method of providing access to service for performing the steps of claim 19; therefore, claim 25 is rejected under the same rationale as claim 19.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Gindlesperger (U.S. Patent No. 6,397,197) discloses a method for obtaining lowest bid from information product vendors.

Takahashi et al (U.S. Patent No. 6,618,692) discloses a system for semiconductor manufacturing equipment.


Thackston (U.S. Patent No. 6,295,513) discloses a network-based system for undertaking an engineering design and development effort in a virtual collaborative environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 17, 2004

  
Romain Jeanty

Primary Examiner

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